

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

SEALED

United States of America

v.

KENNETH OWENS,
Also known as "KENNY OWENS"

Case No.

1:21-mj-00045

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 4/1/2020 through 1/12/2021 in the county of McDowell in the
Southern District of West Virginia, the defendant(s) violated:

Code Section

18 U.S.C. § 2422(b)

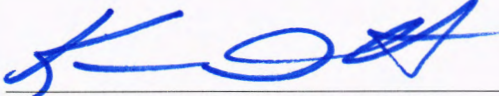
Offense Description

Attempted Enticement

This criminal complaint is based on these facts:

See Affidavit attached hereto.

☒ Continued on the attached sheet.



Complainant's signature

Kenneth D. Horrocks, First Sgt., WVSP

Printed name and title

Sworn telephonically (reliable electronic means) by me.

Date:

November 1, 2021

City and state:

Bluefield, West Virginia



Omar J. Aboulhosn
United States Magistrate Judge

Printed name and title

STATE OF WEST VIRGINIA

COUNTY OF MCDOWELL, to-wit:

A F F I D A V I T

I, Kenneth D. Horrocks, being duly sworn, do hereby depose and state as follows:

INTRODUCTION

1. Your affiant has been a member of the West Virginia State Police for twenty-one years. During my employment with the State Police, I have investigated cases involving various crimes against the person, including sexual abuse, sexual assault, and online child exploitation crimes. Currently, I am assigned to the Internet Crimes Against Children Unit and my work there involves investigating child sexual abuse and assault cases and online child sexual exploitation. Since being assigned to the Crimes Against Children Unit, your affiant has received additional training specific to these types of investigations.

2. Your affiant is also a Deputized Task Force Officer ("TFO") with the U.S. Department of Homeland Security Investigations ("HSI"). Part of my role as a TFO with HSI includes investigating violations of federal child exploitation and child pornography laws. Your affiant was, and remains, a duly appointed law enforcement officer according to law and at the time of the events herein, your affiant was acting in an official capacity.

3. This affidavit is made in support of an application for a criminal complaint and arrest warrant charging Kenneth Owens, also known as "Kenny Owens," age fifty-seven, with a violation of 18 U.S.C. § 2422(b). That statute makes it illegal for any person to use a facility and means of interstate and foreign commerce to knowingly attempt to persuade, induce, entice and coerce an individual, who had not attained the age of eighteen years, to engage in any sexual activity for which any person could have been charged with a criminal offense.

4. The information contained in this affidavit is based upon information provided to your affiant by HSI agents, other law enforcement personnel, your affiant's personal observations, interviews, training and experience, and review of relevant records related to this investigation.

5. Because this affidavit is being submitted for the limited purpose of showing there is sufficient probable cause for an arrest warrant, your affiant has not included every fact known concerning this investigation.

BACKGROUND OF INVESTIGATION AND FACTS
ESTABLISHING PROBABLE CASUE

6. On or about December 16, 2020, your affiant received an investigatory lead, commonly referred to as a "CyberTip," from the

National Center for Missing and Exploited Children ("NCMEC")¹ relating to an online social networking service platform known as Facebook.² This lead identified that from on or about April 14, 2020, through October 9, 2020, user "Kenny Owens," registered on the site as a twenty-year-old male, was soliciting images from a minor female, Minor Female 1, through Facebook. Facebook also sent information regarding a phone number ending in -7513 associated with the "Kenny Owens" account.

7. Your affiant reviewed the Facebook communications between user "Kenny Owens" and Minor Female 1 and determined user "Kenny Owens" was asking Minor Female 1 for nude images of herself in exchange for supplying her with vapes³ and alcohol.

8. Through school records associated with the username of the minor's Facebook account, investigators determined that Minor Female 1 resided in Welch, West Virginia, McDowell County, and was

¹ NCMEC is a nonprofit, nongovernmental organization in Alexandria, Virginia, that works with law enforcement on issues related to missing and sexually exploited children. One of the services provided and administered by NCMEC is its CyberTipline, which serves as the national clearinghouse for leads regarding sexual exploitation crimes against children.

² Facebook is an online social media platform. Individuals can register Facebook accounts that provide access to services such as data storage and messaging.

³ Vapes, also known as electronic cigarettes, are electronic devices that simulate tobacco smoking. A vape consists of an atomizer, a power source such as a battery, and a container such as a cartridge or tank. Instead of smoke, the user inhales vapor.

sixteen years old at the time Owens was soliciting her for nude images.

9. Your affiant spoke with Minor Female 1 on or about January 13, 2021. She acknowledged that she was communicating with Owens using the account referenced in the Cybertip. Minor Female 1 also indicated that Owens was a family member. Minor Female 1 stated that Owens would buy her cigarettes, vapes, and alcohol in exchange for images of herself.

10. Minor Female 1 stated that she and Owens communicated via Facebook, but when his Facebook account was shut down, they transitioned to communicating via cell phone, utilizing the iMessage⁴ application.

11. Minor Female 1 stated Owens asked for images of her genitalia. In response, she sent him an image purportedly of her vagina; she told investigators that she had actually found the image online.

12. Minor Female 1 stated that she sent the images to Owens from approximately August or September 2020 through the date of the interview, January 13, 2021. Minor Female 1 stated Owens would drive to her residence and throw the cigarettes, vapes, and alcohol

⁴ iMessage is an application wherein users can send an unlimited number of messages through the app for free. iMessage supports not only sending text messages, but also sending photos, videos, weblinks, contacts, and location information.

in the yard of her residence and she would retrieve them once he left.

13. A review of the communications between Owens and Minor Victim 1 shows that on Owens and Minor Victim 1 conversed with each other on Facebook from April 1, 2020, through October 25, 2020. After that, Owens and Minor Victim 1 conversed with each other via cell phone messaging until January 12, 2021. The messages show Owens asking Minor Victim 1 to take photographs of her genitalia and send them to him in return for the vapes, cigarettes, and alcohol.

14. Your affiant also contacted Owens at the XXX-XXX-7513 phone number associated with the "Kenny Owens" Facebook account. Owens acknowledged requesting and receiving images of Minor Female 1 in exchange for buying and bringing her cigarettes, vapes, and alcohol. Owens admitted that he received at least one photograph of a vagina from Minor Victim 1. Owens further admitted that he encouraged Minor Victim 1 to continue sending him photographs and acknowledged asking for "sexy" photographs. Owens admitted to knowing he "was in the wrong" for his conversations with Minor Victim 1.

15. Owens further acknowledged he knew the user of the account that he was communicating with was indeed Minor Female 1 and that she was a family member. He further admitted that he knew Minor Female 1 was sixteen years old. Owens admitted that he had

been supplying Minor Victim 1 with vapes and alcohol since she was fifteen years old.

CONCLUSION

16. Based upon the information provided above, your affiant alleges that there exists probable cause to believe that from on or about April 1, 2020, through January 12, 2021, Kenneth Owens, also known as "Kenny Owens," knowingly violated 18 U.S.C. § 2422(b), in that he used a facility and means of interstate commerce, that is, Facebook and his cell phone, to knowingly attempt to persuade, induce, entice and coerce Minor Victim 1, who had not attained the age of eighteen years, to engage in any sexual activity for which any person could have been charged with a criminal offense, that is, the production and attempted production of child pornography.



FIRST SERGEANT KENNETH D. HORROCKS
HSI TFO
WEST VIRGINIA STATE POLICE

Sworn to by the Affiant telephonically in accordance with the procedures of Rule 4.1 this 1st day of November, 2021.



Omar J. Aboulhoss
United States Magistrate Judge